

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL CACOPERDO,

Plaintiff,

– against –

HARTFORD LIFE INSURANCE COMPANY,
MLS National Medical Evaluations, Inc. and
Medical Evaluation Specialists, Inc. d/b/a MES
Solutions,

Civil Action No.: 10-civ-7847 (RPP)

**NOTICE OF MOTION
TO DISMISS
AMENDED COMPLAINT**

DOCUMENT
ELECTRONICALLY FILED

Defendants.

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PLEASE TAKE NOTICE that, upon the Declaration of Michael H. Bernstein, Esq. dated April 18, 2011, the exhibits annexed thereto, and the accompanying Memorandum of Law in support, all simultaneously submitted herewith, defendant HARTFORD LIFE INSURANCE COMPANY, by its attorneys, Sedgwick LLP, will move this Court, at a date and time to be scheduled by the Court or as soon thereafter as counsel can be heard, before the Hon. Robert P. Patterson, U.S.D.J. at the United States Courthouse, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rules 15(a) & 12(b)(6), FED. R. CIV. P., dismissing Plaintiff Michael Cacoperdo’s (“Cacoperdo”) Amended Complaint with prejudice on the grounds that Plaintiff failed to obtain leave to amend before filing this pleading, failed to state a claim for which relief can be granted, and for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
April 18, 2011

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)

JOHN T. SEYBERT (JS 5014)

DANIEL M. MEIER (DM 2833)

SEDGWICK LLP

Attorneys for Defendant

HARTFORD LIFE INSURANCE COMPANY

125 Broad Street, 39th Floor

New York, New York 10004

Tel: (212) 422-0202

Fax: (212) 422-0925

TO: Jason A. Newfield, Esq.
Frankel & Newfield, P.C.
585 Stewart Avenue - Suite 312
Garden City, New York 11530
Attorneys for Plaintiff

Andrew I. Hamelsky, Esq.
White & Williams LLP
One Penn Plaza
250 W. 34th Street, Suite 4110
New York, NY 10119
Attorneys for Defendant Medical Evaluation Specialists, Inc.

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION TO DISMISS** was served via ECF and regular mail on this 18th day of April, 2011, upon the following:

Jason A. Newfield, Esq.
Frankel & Newfield, P.C.
585 Stewart Avenue - Suite 312
Garden City, New York 11530

Andrew I. Hamelsky, Esq.
White & Williams, LLP
One Penn Plaza
250 W. 34th Street, Suite 4110
New York, NY 10119

s/

DANIEL M. MEIER

Dated: New York, New York
April 18, 2011